

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN WAYNE BURNEY,

Defendant.

**8:23CR26**

**ORDER**

A telephone status conference was held today. During the conference Defendant made Unopposed Oral Motion to Continue the Telephone Status Conference to allow him more time to consider and decide whether to enter a guilty plea. The motion was unopposed by the government. Accordingly,

IT IS ORDERED:

- 1) Defendant's Unopposed Oral Motion to Continue the Telephone Status Conference is granted.
- 2) A telephonic status conference with counsel will be held before the undersigned magistrate judge at 3:30 p.m. on January 31, 2024. Counsel for the parties shall use Restricted Order [35] for conference connection instructions to participate in the call.
- 3) In accordance with 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between today's date and on January 31, 2024, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant this motion would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and the novelty and complexity of the case. The failure to grant this motion might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 28<sup>th</sup> day of December, 2023.

BY THE COURT:

s/ Susan M. Bazis  
United States Magistrate Judge